

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

DUANE EAVES,

Petitioner,

v.

Case No. 2:16-cv-03547

Case No. 2:05-cr-00076

Case No. 2:05-cr-00164

Case No. 2:05-cr-00165

UNITED STATES OF AMERICA,

Respondent.

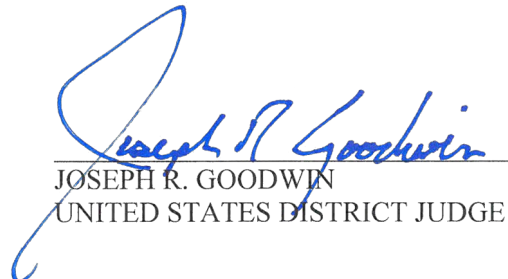
MEMORANDUM OPINION AND ORDER

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 17, 2018, Judge Tinsley submitted his Proposed Findings of Fact and Recommendation (“PF&R”), recommending the court deny Movant’s Letter-Form Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 [ECF No. 64 in Case Nos. 2:16-cv-03547 and 2:05-cr-00076; ECF No. 31 in Case Nos. 2:05-cr-00164 and 2:05-cr-00165] and his Supplemental Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 [ECF No. 71 in Case Nos. 2:16-cv-03547 and 2:05-cr-00076; ECF No. 37 in Case Nos. 2:05-cr-00164 and 2:05-cr-00165] and dismiss the civil action from the docket. No objections to Judge Tinsley’s PF&R have been filed.

Accordingly, the court **ADOPTS** and **INCORPORATES** herein the PF&R. For the reasons stated, the court **DENIES** Movant's Letter-Form Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 [ECF No. 64 in Case Nos. 2:16-cv-03547 and 2:05-cr-00076; ECF No. 31 in Case Nos. 2:05-cr-00164 and 2:05-cr-00165] and his Supplemental Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 [ECF No. 71 in Case Nos. 2:16-cv-03547 and 2:05-cr-00076; ECF No. 37 in Case Nos. 2:05-cr-00164 and 2:05-cr-00165] and **REMOVES** this matter from the docket.

The court **DIRECTS** the Clerk to send a copy of this Memorandum Opinion and Order to counsel of record, any unrepresented party, and the United States Magistrate Judge.

ENTER: October 11, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE